

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.19447 of 2000

ORAL ORDER:

-

This writ petition is filed challenging the order passed by first respondent-A.P. Cooperative Tribunal, Vijayawada in O.A.No.29 of 1999 dated 5.9.2000, wherein the surcharge proceedings under Section 60 of the A.P. Cooperative Societies Act, 1964 passed by the second respondent-Deputy Registrar of Cooperative Societies was confirmed fixing the liability on the petitioner at Rs.15,223-79 ps. towards the loss caused to the third respondent-society.

The learned counsel for petitioner adopted a multipronged approach in challenging the order passed by the second respondent, which was confirmed by the first respondent. It is his case that no opportunity was given to the petitioner during the enquiry conducted. Apart from that, a criminal case was filed against him by the District Cooperative Officer and he was not found guilty of the offence and in spite of the same, surcharge proceedings were initiated and liability was fixed on him.

There is no necessity of going into all the details.

It seems, during the pendency of O.A.No.29 of 1999, the petitioner had already deposited an amount of Rs.10,000/- and the same was withdrawn by the third respondent society and the petitioner is liable to pay an amount of Rs.5,223-79 ps. Therefore, any probe made into the impugned proceedings and examining whether any notice was given to the petitioner or not by remanding the matter to the Tribunal below would not serve any purpose, since the amount that remains to be paid by the petitioner is meagre i.e. Rs.5,223-79 ps.

On the other hand, the learned Government Pleader has asserted that notice as required under law has been issued and after

hearing the petitioner, proceedings under Section 60 of the Act were initiated and liability was fixed and the same was rightly upheld by the first respondent-Tribunal.

Having regard to the above, I am of the view that the matter does not call for any interference by this Court under Article 226 of the Constitution of India. The writ petition is devoid of merits and liable to be dismissed.

However, the respondents shall consider waiver of interest in the peculiar facts and circumstances of the case.

Subject to the above, the writ petition is dismissed. No order as to costs.

C.V.RAMULU,
J

Date: 19.10.2006

DA

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.19447 of 2000

19.10.2006

**IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD**

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.19447 of 2000

Date: 19th October, 2006

Between:

Govinda Narasimlu Swamy

.. Petitioner

And

The A.P. Cooperative Tribunal,
Vijayawada & others.

.. Respondents

